HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8389 of 2006

Dated 9-10-2006

Between:

Shaik Sayeed Bawazeer, Nampally, Hyderabad.

……Petitioner

and

The Commissioner of Police, Hyderabad City, Hyderabad and another.

…..Respondents

HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8389 of 2006

ORDER:

This writ petition is filed alleging that the respondent No.2 is harassing the petitioner and his family members by summoning them in the Police Station at Abids, Hyderabad and is visiting the residence of the petitioner since he refused to sell his house property to one Haji Seth.

The 2nd respondent has filed a counter affidavit. To the extent relevant and material it reads as under:-

> "I respectfully submit that I never interfered with the plot in possession of the petitioner or with the construction work in the said property that is being carried on by the petitioner. In fact I am not aware of the litigation between the petitioner and one Mr.Mohd. Abdul Muneem alias Haji Seth. IT is also not true to say that the police are acting at the instance of Mr.Abdul Muneem, who is the neighbour to the petitioner herein.
>
> I respectfully submit that after receipt of the notice in this writ petition land communication from the Govt.Pleaders Office I enquired into the matter

and also verified the records. IT is submitted that Asst. City Planner, Circle II, Municipal Corporation of Hyderabad has requested the Station House Officer, Abids Police Station to provide sufficient police force to avoid any breach of peace for demolishing unauthorized sheds in the premises bearing No.5-8-323/A, Nampally, Hyderabad which is the premises in question that belongs to the petitioner herein. My enquiries further revealed that the petitioner is carrying on the construction in violation of the orders passed in I.A.No.589 of 2006 in O.S.No.1948 of 2006 and as such the Municipal Corporation of Hyderabad has imitated steps to remove the shed. As such this respondent has no role to play and in fact did not interfere with the construction work of the petitioner as alleged. The proceedings of the Municipal Authorities dated 16-5-2006 is filed along with counter affidavit for the kind perusal of this Hon'ble Court.

The allegation of the petitioner that this respondent is summoning the petitioner at odd hours and making him and his family members sit in the police station for hours and making him and his family members sit in the police station for hours together and this respondent threatened him and his family member with dire consequences and declared that I would foist false cases against them is absolutely false and hence denied. All the other allegations made in the affidavit are false, concocted and invented for the purpose of this writ petition. Hence the writ petition is devoid of any merits."

The assertions in the counter affidavit have not been rebutted.

In the circumstances, no case is made out for interference in this petition.

The writ petition is accordingly dismissed.

9th October 2006

mrb